

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In re:)	
)	
SUBPOENA TO TESTIFY AT)	
A DEPOSITION IN A CIVIL)	
ACTION ISSUED TO)	Misc. No. 1:17-mc-91107-NMG
THOMAS JEFFERSON HIGH SCHOOL)	
FOR SCIENCE & TECHNOLOGY,)	Related Case: No 1:14-cv-14176-ADB
)	

JOINT STATUS REPORT

Pursuant to this Court’s Order on April 21, 2017, *see* Doc. 18, Fairfax County School Board (“FCSB”), on behalf of Thomas Jefferson High School for Science & Technology (“TJHS”), and Students for Fair Admissions (“SFFA”) submit the following joint status report.

On November 17, 2014, SFFA sued Harvard College (“Harvard”) in the District of Massachusetts, alleging that Harvard’s use of race in its admissions process violates Title VI of the Civil Rights Act of 1964. *See Students for Fair Admission, Inc. v. President & Fellows of Harvard College*, No 1:14-cv-14176-ADB (D. Mass) (the “Main Action”). The Main Action is currently pending before Judge Burroughs.

On February 27, 2017, SFFA issued and served a subpoena in the Main Action on TJHS compelling it to produce documents and testify at a deposition. On March 23, 2017, FCSB, on behalf of TJHS, filed a motion to quash in a miscellaneous action in the Eastern District of Virginia under Federal Rule 45(f). On April 18, 2017, the Eastern District of Virginia granted SFFA’s motion to transfer, and transferred FCSB’s miscellaneous action to the District of Massachusetts.

FCSB’s motion to quash was fully briefed in the Eastern District of Virginia and, subject to any additional briefing requested by the Court, is ready for a hearing and resolution. Pursuant

to Local Rule 40.1(G)(5) & (I), the Court may wish to consider transferring this action to Judge Burroughs “to further the efficient performance of the business of the court.” The Main Action is before Judge Burroughs and, in addition, a similar motion to quash from Boston Latin School is also pending before her. *See* Main Action, Docs. 272, 294.

Undersigned counsel for FCSB, a member in good standing of the Eastern District of Virginia, joins in this status report pursuant to Federal Rule 45(f), which provides that “if the attorney for a person subject to a subpoena is authorized to practice in the court where the motion was made, the attorney may file papers and appear on the motion as an officer of the issuing court.” FCSB also is in the process of identifying local counsel and moving for its counsel to be admitted *pro hac vice* per Local Rule 83.5.3.

Respectfully submitted,

/s/ Christopher T. Pickens

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all counsel of record via the CM/ECF system.

/s/ J. Michael Connolly
J. Michael Connolly